

# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15351-15400

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 15, 1928]

**15351. Adulteration and alleged misbranding of butter. U. S. v. 36 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21997. I. S. Nos. 5937-x, 5939-x, 5940-x. S. No. 31.)**

On July 16, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cases of butter, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the articles had been shipped by the Meriden Creamery Co., Kansas City, Mo., July 6, 1927, and transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, butterfat, had been wholly or in part abstracted from the article.

Misbranding was alleged for the reason that the article was an imitation of, or offered for sale under the distinctive name of another article, and for the further reason that the following statements, borne on the labels, regarding the article or the ingredients or substances contained therein were false and misleading and deceived and misled the purchaser: "One Pound Net Weight—Farm Maid Creamery Butter;" "High Grade Gold Bar Creamery Butter One Pound Net—The Meriden Creamery Co. Kansas City, U. S. A. Hutchinson, Kans.;" and "1 Lb. Net Weight." Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 22, 1927, the Meriden Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered condemning the product as adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15352. Misbranding of Agmel. U. S. v. 191 Cans of Agmel. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 21443, 21444. I. S. Nos. 4579-x, 4641-x. S. Nos. C-5287, C-5288.)**

On December 4, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 191 cans of Agmel, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Agmel Corporation, from Los Angeles, Calif., between the dates of November 6 and November 11, 1926, and transported from the State of California into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can label) "Nature's Remedy \* \* \* A powerful tonic \* \* \* For disorders of the kidneys

\* \* \* Especially beneficial in the treatment of Bright's Disease, diabete rheumatism, high blood pressure, indigestion, and other disorders caused by incorrect diet and faulty assimilation. Nature's Remedy for the Stomach, Nerves and Kidneys;" (Spanish translated) "For the stomach, nerves and anemia it has no rival. Natural remedy for albuminuria and the urinary tract;" (folder) "Kidney Troubles—Agmel acts by strengthening and rebuilding the kidneys and increasing their ability to filter the blood. It has proved remarkably effective in relief of the following conditions: Bright's Disease—Nearly every case of Bright's Disease treated has been greatly helped or has completely yielded to Agmel. Use as outlined in general instructions. If the condition is bad, take as much Agmel as the body will stand \* \* \* Too much is not harmful \* \* \* Bladder Irritation \* \* \* Many Agmel users write that they have been completely relieved of bladder irritation. \* \* \* Prostratitis—Agmel being strongly antiseptic and tending to normalize acid condition of the blood, soothes and relieves inflamed and enlarged conditions of the prostate gland. Take a teaspoonful before each meal and again on retiring until relief is obtained. Stomach Troubles—Agmel is rich in the active yeasts, vitamins and minerals that stimulate and aid digestion and assimilation. In practically every kind of stomach trouble it tends to bring about a normal condition of health. \* \* \* Stomach and Duodenal Ulcer \* \* \* Agmel, in addition to bringing about a normal condition in the stomach and intestines, has decided antiseptic and anti-scorbutic properties which help to relieve irritation and ulcers. Relief has been obtained in the inflamed or diseased condition completely corrected in a large majority of such cases. \* \* \* Diabetes—In diabetes the first few days of using Agmel sometimes has a tendency to greatly increase the amount of sugar in the urine. Do not be alarmed at this. The Agmel is driving out of the liver accumulated unoxidized sugar which the over-loaded blood stream has been unable to handle. Thus sugar will soon be carried off and within a short time the urine should begin to show less and less until it is normal. Take a teaspoonful of Agmel before each meal until relief is obtained. This quantity is usually sufficient. Strict dieting unnecessary. High Blood Pressure—Take Agmel in the usual way, a teaspoonful before each meal. Practically every case of high blood pressure treated with Agmel has been relieved. Children's diseases—Agmel is extremely beneficial in disorders of children. It is a wonderful food for puny, anaemic and undernourished children. It carries the bone and tissue building elements as well as the tonic iron, so necessary to growing bodies. It regulates bowels and kidneys so elimination becomes natural and complete. Bed-wetting nearly always corrected. \* \* \* In the case of normal, healthy children Agmel given at least once a day will keep them in good physical and mental condition and greatly increase resistance to all disease. \* \* \* Troubles Peculiar to Women—Agmel has proved to be a very valuable remedial food in regulating and stimulating the functions of female organs and correcting unnatural conditions. It accomplishes these things in a natural way, by building up and strengthening vital organs, nerves and tissues and purifying the blood stream. Painful Menstruation—This condition is largely produced by an anaemic condition, which Agmel corrects. Take a teaspoonful of Agmel before each meal, and again before retiring. Usually Agmel is successful in bringing about natural, regular and painless menstruation. Change of Life—Agmel added to the diet during the period known as change of life acts as a regulator and balancer to the disturbed system. \* \* \* Other Ailments—Anemia—Agmel is unquestionably recommended for this condition. \* \* \* Cases have come to our notice where the use of Agmel has been found to be effective in the relief of goiter, which is, undoubtedly, a food deficiency disease. Agmel relieves this condition by supplying the substances needed to enrich the blood, which is lacking in the average diet. \* \* \* Piles \* \* \* Agmel is antiseptic and healing to diseased and inflamed conditions. Practically all rectal troubles are relieved by Agmel and it is efficacious when used as an external ointment. \* \* \* Rheumatism—Many people who use Agmel claim to have been entirely relieved of rheumatism. Agmel, being alkaline in reaction, tends to counteract acidosis, which is one of the causes of different rheumatic conditions. It restores the body to a condition of health so that neither rheumatism, nor any other disease, can exist. \* \* \* Agmel is becoming generally recognized as an excellent preventive of disease and when kept on hand and used occasionally tends to keep a healthy person in perfect condition."

Analysis by this department showed that the article consisted essentially of a concentrated plant juice. It contained approximately 60 per cent of sugars (sucrose and invert sugar).

It was alleged in the libel that the article was misbranded, in that the above quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15353. Adulteration of chocolate cream bars. U. S. v. 160 Cartons of Chocolate Cream Bars. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21993. I. S. No. 17272-x. S. No. 40.)**

On July 27, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 cartons of chocolate cream bars, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Hoefler's Centennial Chocolate Co., from San Francisco, Calif., on or about July 5, 1927, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hoefler's Centennial Chocolates Hoefler's San Francisco, Calif."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, in the case of confectionery, in that it contained a spirituous liquor.

On August 24, 1927, Lang, Senders & Co., Portland, Oreg., having appeared and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15354. Adulteration of scallops and misbranding of oysters. U. S. v. Albert L. Doughty. Pleas of guilty. Fine, \$75. (F. & D. Nos. 19760, 19779. I. S. Nos. 5754-x, 8102-x.)**

On October 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Albert L. Doughty, trading as A. L. Doughty, Willis Wharf, Va., alleging shipment by said defendant, in violation of the food and drugs act as amended, from the State of Virginia into the State of New York, on or about December 19, 1925, of a quantity of oysters, which were misbranded, and on or about February 1, 1926, of a quantity of scallops, which were adulterated. The articles were labeled "Minimum Volume 1-Gallon."

Adulteration of the scallops was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for scallops, which the said article purported to be. Adulteration of the said scallops was alleged for the further reason that a valuable constituent, to wit, scallop solids, had been abstracted in part from the article.

Misbranding of the oysters was alleged for the reason that the statement "Minimum Volume 1-Gallon," borne on the cans containing the article, was false and misleading in that the said statement represented that the said cans each contained not less than 1 gallon of oysters, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained not less than 1 gallon of oysters, whereas the said cans did not each contain 1 gallon of oysters, but did contain a less quantity. Misbranding of the oysters was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1926, the defendant entered pleas of guilty to the informations, and the court imposed a fine of \$75, which fine covered both cases.

R. W. DUNLAP, *Acting Secretary of Agriculture.*